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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,293	10/29/2001	Eduard K. de Jong	P-7015	9836
24209 7590 05/14/2008 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940				
EXAMINER				
FIELDS, COURTNEY D				
ART UNIT		PAPER NUMBER		
2137				
MAIL DATE		DELIVERY MODE		
05/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/040,293

**Applicant(s)**

DE JONG ET AL.

**Examiner**

COURTNEY D. FIELDS

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 10-19 have been cancelled.
2. Claims 1-9 are pending.

### ***Response to Arguments***

3. Applicant's arguments, see page 8, filed 22 April 2008, with respect to claims 1-9 have been fully considered and are persuasive. The final rejection of claims 1-9 have been withdrawn.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant has failed to provide antecedent basis for the claim terminology "computer program storage device".

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are rejected under 35 USC 101 as failing to be limited to embodiments which fall within a statutory category.
7. There is no mention of the computer program storage device in the specification and the context the medium was used in the claim would fairly suggest to one of ordinary skill signals, or other forms of propagation and transmission media, typewritten or handwritten text on paper, or other items failing to be an appropriate manufacture

under 35 USC 101 in the context of computer-related inventions. The claims recite a computer program storage device including a medium wherein the medium can just be a signal (see paragraph 0018). The word tangible just means it can be touched or perceived, however this does not provide clarity with regards to the context of the medium.

***Allowable Subject Matter***

8. **Claims 1-3 and 7-9** are allowed.
9. The following is an examiner's statement of reasons for allowance: The present invention is directed towards a method and system for managing identification in a data communications network wherein receiving a user-controlled secure storage device and enrolling the user with an authority network site. Claims 1,2,7, and 8 identifies the uniquely distinct features **"receiving a portable user-controlled secure storage device; enrolling a user of said portable user-controlled secure storage device with an authority network site, said enrolling comprising providing information requested by said authority network site; receiving user data in response to said enrolling; storing said user data in said portable user-controlled secure storage device; enabling said portable user-controlled secure storage device to release said user data; and using said user data, from said portable user-controlled secure storage device, at a service provider network site to obtain a service"**. Claims 3 and 9 identifies the uniquely distinct features **"presenting an identity credential request and data to be stored to a federated identity server via a client host; receiving an identity credential in response to said identity credential**

**request, said identity credential comprising a randomized ID and an identification authority ID, said federated identity server capable of verifying the truthfulness, accuracy and completeness of said data to be stored; presenting a service request and said identity credential to a service portal, said service portal configured to issue an authentication request to said federated identity server; receiving a logon credential in response to said service request, said login credential comprising an indication of the client host used by the user; and using said logon credential to obtain a service from a service provider accessible via said service portal".**

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is (571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Courtney D. Fields/  
Examiner, Art Unit 2137  
May 7, 2008

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137